B. COUNTABLE RESOURCES

Effective March 1, 2003

WAC 388-470-0045 How do my resources count toward the resource limits for cash assistance and family medical programs?

(1) We count the following resources toward your assistance unit's resource limits for cash assistance and family medical programs to decide if you are eligible for benefits under WAC 388-470-0005:

(a) Liquid resources not specifically excluded in (2) below. These are resources that are easily changed into cash. Some examples of liquid resources are:

(i) Cash on hand;

(ii) Money in checking or savings accounts;

(iii) Money market accounts or certificates of deposit (CDs) less any withdrawal penalty;

(iv) Available retirements funds or pension benefits, less any withdrawal penalty;

(v) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;

(vi) Available trusts or trust accounts; or

(vii) Lump sum payments as described in Chapter 388-455 WAC.

(b) The cash surrender value (CSV) of whole life insurance policies.

(c) The CSV over fifteen hundred dollars of revocable burial insurance policies or funeral agreements.

(d) The amount of a child's irrevocable educational trust fund that is over four thousand dollars per child.

(e) Funds withdrawn from an individual development account (IDA) if they were removed for a purpose other than those specified in RCW 74.08A.220.

(f) Any real property like a home, land or buildings not specifically excluded in (3) below.

(g) The equity value of vehicles as described in WAC 388-470-0070.

(h) Personal property that is not:

(i) A household good;

(ii) Needed for self-employment; or

(iii) Of "great sentimental value", due to personal attachment or hobby interest.

(i) Resources of a sponsor as described in 388-470-0060.

(j) For cash assistance only, sales contracts.

(2) The following types of liquid resources do not count when we determine your eligibility:

(a) Bona fide loans, including student loans;

(b) Basic Food benefits;

(c) Income tax refunds, in the month of receipt.

(d) Earned Income Tax Credit (EITC) in the month received and the following months;

(e) Advance earned income tax credit payments;

(f) Individual development accounts (IDAs) established under RCW 74.08A.220;

(g) Retroactive cash benefits or TANF/SFA benefits resulting from a court order modifying a decision of the department;

(h) Underpayments received under Chapter 388-410 WAC;

(i) Educational benefits that are excluded as income under WAC 388-450-0035

(j) The income and resources of an SSI recipient;

(k) A bank account jointly owned with an SSI recipient if SSA already counted the money in that account for SSI purposes;

(l) Foster care payments provided under Title IV -E and/or State foster care maintenance payments;

(m) Adoption support payments when the adopted child is excluded from the assistance unit;

(n) Self-employment accounts receivable that the client has billed to the customer but has been unable to collect; and

(o) Resources specifically excluded by Federal law.

(3) The following types of real property do not count when we determine your eligibility:

(a) Your home and the surrounding property that you, your spouse, or your dependents live in;

(b) A house you do not live in, if you plan on returning to the home and you are out of the home because of:

(i) Employment;

(ii) Training for future employment;

(iii) Illness; or

(iv) Natural disaster or casualty.

(c) Property that:

(i) You are making a good faith effort to sell; or

(ii) You intend to build a home on, if you do not already own a home;

or

(iii) Produces income consistent with its fair market value, even if used only on a seasonal basis; or

(iv) A household member needs for employment or self-employment. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing.

(d) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

(4) If you deposit excluded liquid resources into a bank account with countable liquid resources, we do not count the excluded liquid resources for six months from the date of deposit.

(5) If you sell your home, you have 90 days to reinvest the proceeds from the sale of a home into an exempt resource.

(a) If you do not reinvest within 90 days, we will determine whether there is good cause to allow more time. Some examples of good cause are:

(i) Closing on your new home is taking longer than anticipated;

(ii) You are unable to find a new home that you can afford;

(iii) Someone in your household is receiving emergent medical care; or

(iv) Your children are in school and moving would require them to change schools.

(b) If you have good cause, we will give you more time based on your circumstances.

(c) If you do not have good cause, we count the money you got from the sale as a resource.

CLARIFYING INFORMATION

1. Some examples of resources that are excluded for cash assistance and family medical programs are:

   a. Personal effects;

   b. Benefits from the Basic Food Program;

   c. LIHEAP payments;

   d. One burial plot for each AU member; and

   e. The income and resources of an SSI recipient.

2. Some examples of lump sums for cash assistance are:

   a. Cash prizes;

   b. Awards;

   c. Lottery winnings;

   d. Refunds of cleaning, damage, security, or utility deposits; and

   e. Insurance or damage settlements, some or all of which may be excluded. See **LUMP SUM PAYMENTS** for more information.

3. A trust fund is considered unavailable for cash assistance and family medical programs when:

   a. A household member cannot revoke the trust or change the beneficiary;

   b. The trustee administering the funds is not under the direction of a household member or is appointed by the court with court-imposed limitations on the use of the funds;

   c. The funds are used solely to make investments on behalf of the trust or pay for medical or educational expenses for a specific household member; and

d. The investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a household member.

e. The client must petition the court to release part or all of a resource, including funds in blocked accounts or trusts. Review the status at each recertification/eligibility review.

4. For medical programs, see **TRUSTS, ANNUITIES and LIFE ESTATES** and **WAC 388-561-0100**

WORKER RESPONSIBILITIES

1. When the value of a child's irrevocable educational trust fund is over $4000, determine the reason it is over the limit:

   a. Disregard the amount over the limit that is due to interest, as long as it remains in the trust.

   b. If the trust exceeds the limit for reasons other than interest, establish a period of ineligibility. See: **TRANSFER OF PROPERTY – to Qualify for Cash Assistance.**

EXAMPLE 1

A child deposits the following amounts into an irrevocable educational trust:

June	$800
July	$1,600
August	$1,600

As of 8/31/02, there is $4,000 in the irrevocable educational trust. The trust earns $16 in interest in the month of September, bringing the balance of the trust to $4,016. The funds in this trust are treated as follows:

- Original $4,000: Unavailable resource.
- $16 interest earned from the original $4,000: Unavailable as long as it remains held in trust.

EXAMPLE 2

The child in the example above deposits an additional $1,600 of her earnings into her irrevocable educational trust, bringing the balance to $5,616. The funds in the account are treated as follows:

- Original $4,000: Unavailable resource.
- $16 interest earned from the original $4,000: Unavailable as long as it remains held in trust.
- Additional $1,600 deposit: Unavailable resource, unallowable transfer of property. Impose a period of ineligibility based on this dollar amount.

2. If the client or child receives disbursements from the trust:

   a. Exclude any disbursements that are spent for educational expenses such as tuition, books, school supplies, and clothes for school.

   b. If the disbursements are not used for educational expenses:

      i. Treat the disbursements as a resource if the child or the child’s guardian owned or controlled the money before it was placed in the trust. If the amount of these disbursements causes the client’s resource to exceed the allowable limit, establish a period of ineligibility. See: **TRANSFER OF PROPERTY – to Qualify for Cash Assistance.**

      ii. Treat the disbursements as unearned income if the child or the child’s guardian did not own or control the money before it was placed in the trust.

EXAMPLE 1

The trustee of a child’s irrevocable educational trust disburses $200 from the trust to the child to pay tuition for summer school. The money in the trust is from the child’s earnings. The $200 disbursement is excluded as both income and a resource.

EXAMPLE 2

The trustee of a child’s irrevocable educational trust disburses $200 from the trust to the child to buy a dog. The money in the trust was received as part of an insurance settlement and was deposited directly into the account from the insurance company, pursuant to a court order. The $200 is considered unearned income.

Effective March 1, 2003

WAC 388-470-0055 How do my resources count toward the resource limit for basic food?

(1) If your AU is not Categorically Eligible (CE) for Basic Food under WAC 388-414-0001, we count the following resources toward your AU's resource limit for Basic Food to decide if you are eligible for benefits under WAC 388-470-0005:

(a) Liquid resources. These are resources that are easily changed into cash. Some examples of liquid resources are:

(i) Cash on hand;

(ii) Money in checking or savings accounts;

(iii) Money market accounts or certificates of deposit (CDs) less any withdrawal penalty;

(iv) Keogh plans that do not involve a contractual agreement with someone outside of the assistance unit, less any withdrawal penalty;

(v) Individual Retirement Accounts (IRAs) less any withdrawal penalty;

(vi) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;

(vii) Available trusts or trust accounts; or

(viii) Lump sum payments. A lump sum payment is money owed to you from a past period of time that you get but do not expect to get on a continuing basis.

(b) The equity value of non-liquid resources, personal property, and real property not specifically excluded in (2) below.

(c) Vehicles as described in WAC 388-470-0075.

(d) The resources of a sponsor as described in 388-470-0060.

(2) The following resources do not count toward your resource limit:

(a) Your home and the surrounding property that you, your spouse, or your dependents live in;

(b) A house you do not live in, if you plan on returning to the home and you are out of the home because of:

(i) Employment;

(ii) Training for future employment;

(iii) Illness; or

(iv) Natural disaster or casualty.

(c) Property that:

(i) You are making a good faith effort to sell; or

(ii) You intend to build a home on, if you do not already own a home; or

(iii) Produces income consistent with its fair market value, even if used only on a seasonal basis; or

(iv) Is essential to the employment or self-employment of a household member. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing; or

(v) Is essential for the maintenance or use of an income-producing vehicle; or

(vi) Has an equity value equal to or less than half of the resource limit as described in WAC 388-470-0005.

(d) Household goods

(e) Personal effects;

(f) Life insurance policies, including policies with cash surrender value (CSV);

(g) One burial plot per household member;

(h) One funeral agreement per household member, up to $1500;

(i) Pension plans or retirement funds not specifically counted in (1) above;

(j) Sales contracts, if the contract is producing income consistent with its fair market value;

(k) Government payments issued for the restoration of a home damaged in a disaster;

(l) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs;

(m) Non-liquid resources that have a lien placed against them;

(n) Earned Income Tax Credits (EITC):

(i) For 12 months, if you were a Basic Food recipient when you got the EITC and you remain on Basic Food for all 12 months; or

(ii) The month you get it and the month after, if you were not getting Basic Food when you got the EITC.

(o) Energy assistance payments or allowances;

(p) The resources of a household member who gets SSI, TANF/SFA, or GA benefits; and

(q) Resources specifically excluded by Federal law.

(3) If you deposit excluded liquid resources into a bank account with countable liquid resources, we do not count the excluded liquid resources for six months from the date of deposit.

(4) If you sell your home, you have 90 days to reinvest the proceeds from the sale of a home into an exempt resource.

(a) If you do not reinvest within 90 days, we will determine whether there is good cause to allow more time. Some examples of good cause are:

(i) Closing on your new home is taking longer than anticipated;

(ii) You are unable to find a new home that you can afford;

(iii) Someone in your household is receiving emergent medical care; or

(iv) Your children are in school and moving would require them to change schools.

(b) If you have good cause, we will give you more time based on your circumstances.

(c) If you do not have good cause, we count the money you got from the sale as a resource.

CLARIFYING INFORMATION

1. **Trusts and trust accounts**

a. A trust fund is considered unavailable for Basic Food when:

(1) A household member cannot revoke the trust or change the beneficiary;

(2) The trustee administering the funds is not under the direction of a household member or is appointed by the court with court-imposed limitations on the use of the funds;

(3) The funds are used solely to make investments on behalf of the trust or pay for medical or educational expenses for a specific household member; and

(4) The investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a household member.

(5) The client must petition the court to release part or all of a resource, including funds in blocked accounts or trusts. Review the status at each recertification/eligibility review.

2. **Real Property**

   a. Public rights of way, such as roads that run through the surrounding property and separate it from the home, will not affect the exemption of the property.

   b. Definition of a “good faith effort to sell” real property:

      (1) Listing the property with a real estate company;

      (2) Actively showing the property; and

      (3) Placing signs on the property and ads in the newspaper.

3. We do not count livestock if they are essential for self-employment. We also exclude them if they are raised as pets or used for food.

4. Retirement funds or pension plans that are excluded for Basic Food retain their exclusion regardless of the client’s employment status. Some examples of retirement funds or pension plans that are excluded for Basic Food include:

   a. Keogh plans that involve a contractual agreement with someone who is not in the assistance unit;

   b. 457 plans (plans for State and local governments and other tax-exempt organizations);

   c. 401(k) plans (generally a cash-or-deferred arrangement that is limited to profit-making firms);

   d. Federal Employee Thrift Savings plans;

   e. Section 403(b) plans (tax-sheltered annuities provided for employees of tax-exempt organizations and State and local educational organizations); and

f. Section 501(c)(18) plans (retirement plans for union members consisting of employee contributions to certain trust that must have been established before June 1959).

5. Some Simplified Employer Pensions (SEPs) are classified as SEP/IRA accounts. Accounts such as these are treated like IRAs.

6. Some examples of lump sums for Basic Food are:

   a. Insurance settlements;

   b. Income tax refunds or rebates;

   c. Refunds of cleaning, damage, security, or utility deposits;

   d. VA Disability Pension annual adjustment payment; and

   e. Business and personal loans. We count the "payoff amount" that the bank or other financial institution wants to satisfy the loan.

7. For Basic Food, all loans, except educational loans, are considered countable resources. This also includes:

   a. Cash withdrawn from a credit card account; and

   b. The available portion of secured credit cards. To determine the available portion:

      (1) Determine that the client can actually access the funds by canceling the credit card; and

      (2) Subtract any amount owed to the credit card company for purchases.

Effective September 12, 2002

WAC 388-470-0026 Excluded resources for family medical programs.

"Continuously eligible" means, for the purposes of this chapter, there has not been a break of a calendar month or more in a client's eligibility since the date the client received resources in an amount that would cause the client to exceed the resource limit of a family medical program.

(1) The department does not count any increase in a client's resources received

while a client:

(a) Is eligible for and receiving coverage under a family medical program; and

(b) Remains continuously eligible for a family medical program.

(2) The department does not count the resource increase for a client:

(a) Who meets the requirement of subsection (1)(a) of this section;

(b) Whose family medical program is terminated; and

(c) Who is later found eligible for all months since the termination, which may include a retroactive period of up to three months.

(3) The department counts the resources increase when the client is ineligible for a family medical program for a full calendar month or more except as described in subsection (2) of this section.

(4) When determining the eligibility of a Holocaust survivor for a family medical program, the department does not count the recoveries of:

(a) Insurance proceeds; and

(b) Other assets.

(c) For the purposes of this section, a family medical program includes the medical extension benefits as described in WAC 388-523-0100.

CLARIFYING INFORMATION

Family medical programs include the following medical coverage groups:

F01	For families who also receive TANF or SFA cash
F02	Medical extensions for families whose earned income has increased above the CNIL
F03	Medical extensions for families whose child or spousal support has increased above the CNIL
F04	For families who receive medical without cash
F09	Far an alien determined eligible under the Alien Emergency Medical program

1. When a family is receiving medical benefits under any of the medical coverage groups listed above, any increase in countable resources while the family

continues to receive medical benefits does not count.

2. There is no limit on the number of certification periods a family can receive the resource exclusion.

3. The family remains eligible for the resource exclusion even if the client has a break between certification periods when:

    a. The family was eligible for and receiving a family medical program when the resources increased; and

    b. Is determined eligible for all the months since the end of the last certification period.

Examples of Families Eligible for the Resource Exclusion

EXAMPLE 1

A family applies for TANF cash and medical (F01) and is determined eligible. The family reports an increase in resources. The family is ineligible for Cash TANF due to excess resources. The medical trickles to F04 through the end of the 12-month certification period (based on the last application, completed eligibility review or Basic Food review). At the end of the medical certification period, the family completes the eligibility review. While the family's resources continue to exceed the limit, the family meets all other eligibility criteria. Do not count the excess resources because the family has maintained continuous eligibility for a family medical program.

EXAMPLE 2

A family reports a planned move out of state and the medical is terminated effective the end of the month. On the 10th of the following month, the family reapplies because they changed their mind about moving. Do not count the family's excess resources because the family is continuously eligible.

EXAMPLE 3

A family that previously reported an increase in resources does not complete an eligibility review at the end of the 12-month certification period and benefits end effective June 30, 2002. The family reapplies in August 2002 and requests retro coverage. Retro medical is approved for July. The family continues to have excess resources but meets all other eligibility criteria. The family remains eligible for the resource exclusion because, due to the approval of the retro medical, the family has not had a break in assistance and meets the requirement of continuous eligibility.

EXAMPLE 4

A family's earned income increases and the family is not eligible for Cash TANF. They are eligible for a medical extension under F02. At the end of the certification period, the family completes an eligibility review. The family income has decreased under the F04 standard but the family resources now exceed the standard. The family continues to receive the resource exclusion because they have been continuously eligible for a family medical extension under F02.

EXAMPLE 5

An undocumented family applies for medical benefits. The family meets the eligibility requirements for F04 medical, except citizenship requirements. Only the father has an emergent medical condition. His certification period under the Alien Emergency Medical Program (F09) is for three months. During that period, he receives a cash insurance settlement from his accident. At the end of the 3-month period, he may be certified for another 3-month period because he continues to have an emergent medical condition and meets all other eligibility criteria. Do not count his excess resources because he has been continuously eligible for a family medical program.

Examples of Families Not Eligible for the Resource Exclusion

EXAMPLE 1

A family does not complete an eligibility review at the end of the certification period. The family's medical benefits stop effective August 31, 2002. The family reapplies in January 2003 and requests retro medical for the three months before the month of application (October, November, December). The family now has excess resources. The family is ineligible for F04 because of excess resources. The department counts the resources because the family had a break in eligibility for a full calendar month. The family does not meet the requirement of continuous eligibility necessary to receive the resource exclusion. Retro medical and ongoing medical are denied

NOTE: Should the family apply again and have resources under the standard, the family could be F04 eligible. If the family's resources again increase over the standard, allow the family the resource exclusion as long as the family is continuously eligible for a family medical program.

EXAMPLE 2

A mother and child are receiving F04 medical. The mother's resources increase while she is receiving family medical. She loses custody of her child in 5/01. The department continues the mother's medical coverage in 6/01 during the redetermination process. Mom is determined ineligible for any medical program effective 6/10/01. Mom regains custody of her child and reapplies for medical in 7/01, because she did not have custody of her child. Count the resources because the family is ineligible for a full calendar month or more. The family no longer meets the requirement of continuous eligibility necessary to receive the resource exclusion.

Effective September 1, 1998

WAC 388-470-0040 Additional excluded resources for SSI-related medical assistance.

In addition to other SSI-related resource exclusions in this chapter the resources in this section are excluded when a client's eligibility for SSI-related medical assistance is determined.

(1) A client's household goods and personal effects are excluded.

(2) One home, which may be any shelter in which the client has ownership interest, is excluded when:

- (a) The client uses the home as the principal place of residence;
- (b) The client's spouse resides in the home; or
- (c) The client does not currently live in the home and the client:
  - (i) Intends to return to the home; and
  - (ii) Provides the department with an oral or written statement of their intent to return; or
- (d) A relative resides in the home when:
  - (i) The relative is financially or medically dependent on the client; and

(ii) The client or dependent relative provides the department with a written statement of the dependency.

(3) Proceeds, including cash or a sales contract, from the sale of the home described in subsection (2) of this section are excluded when the client purchases another home within three months of receipt of the proceeds of the sale. Only the portion of the sales contract payment which represents interest is counted as unearned income. See WAC 388-450-0040.

(4) The value of a sales contract is excluded:

(a) When the current market value of the contract is zero or the contract is unsalable; or

(b) When combined with other resources, it exceeds the resource limit, and the sales contract was executed:

(i) On or before November 30, 1993; or

(ii) On or after December 1, 1993, and:

(A) Was received as compensation for the sale of the client's principle place of residence;

(B) Provides interest within the prevailing interest rate at the time of the sale;

(C) Requires the repayment of a principal amount equal to the fair market value of the property; and

(D) Payment on the amount owed does not exceed thirty years.
The income a client receives which represents the principle and interest portion of a sales contract meeting the definition of this subsection is counted as unearned income. See WAC 388-450-0040. [Ed. Note. The WAC reference is incorrect. The hyperlink is to WAC 388-450-0025 which is the appropriate WAC.]

(5) A sales contract is a nonexcluded resource when:

(a) It does not meet the conditions in subsection (4); or

(b) The client transferred it to someone other than the client's spouse. See

WAC 388-513-1365.

(6) When a client owns a sales contract as described in subsection (5), the portion of the payment which represents the:

(a) Principle is counted as an available resource; and

(b) Interest is counted as unearned income.

(7) The equity value of one vehicle up to five thousand dollar is excluded. The five thousand dollars limitation does not apply when the client or a member of the client's household, uses the vehicle which is:

(a) Necessary for employment; or

(b) Necessary for the treatment of specific or regular medical problem; or

(c) Modified for operation by, or transportation of, a person with disabilities; or

(d) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities.

(8) Property which is essential to self-support is excluded when:

(a) The client uses the property for an income producing activity:

(i) In a trade or business; or

(ii) As an employee for work.

(b) The client uses nonbusiness property with a value up to six thousand dollars in equity, to produce:

(i) Goods or services essential to daily activities, solely for the client's household;

(ii) An annual income return of six percent or more of the exempt equity; or

(iii) A six percent return within a twenty-month period when the client uses the property, or is expected to resume using the property within twelve months, for the activities described in this subsection.

(9) Resources necessary for a client, who is blind or disabled, to enable them to

fulfill an approved self-sufficiency plan are excluded.

(10) Alaska Native Claims Settlement Act benefits are excluded, including:

(a) Shares of stock held in a regional or village corporation;

(b) Cash or dividends on stock received from a native corporation up to two thousand dollars per person per year;

(c) Stock issued by a native corporation as a dividend;

(d) A partnership interest;

(e) Land or an interest in land; and

(f) An interest in a settlement trust.

(11) The total cash surrender value (CSV) of a life insurance policy or policies when the total face value of all policies held by the client is fifteen hundred dollars or less are not counted. The CSV of a client's policies in excess of fifteen hundred dollars is applied to the client's resource limit as described in WAC 388-478-0070 and 388-478-0080.

(12) Restricted allotted land owned by an enrolled tribal member and spouse, if the land cannot be disposed of without the permission of the other person, the tribe, or an agency of the federal government is not counted.

(13) A settlement the client receives for the purpose of repairing or replacing a specific excluded resource is not counted for a period of:

(a) Nine months when the client uses the total amount of the cash to repair or replace the excluded resource;

(b) Nine additional months when:

(i) Circumstances beyond the control of the client prevent the repair or replacement of the excluded resource; and

(ii) The client uses the total amount of the cash to repair or replace the excluded resource.

(c) Twelve additional months, for a maximum of thirty months, when:

(i) The settlement is a result of a catastrophe which is declared a major disaster by the President of the United States;

(ii) The excluded resource is geographically within the disaster area as defined by the presidential order;

(iii) The client intends to repair or replace the excluded resource; and

(iv) Circumstances beyond the control of the client prevented the repair or replacement of the excluded resource in the time frames described under subsection (13)(a) and (b) of this section.

(d) Except, any settlement excluded and not used within the allowable time period as described under this subsection as an available resource.

(14) Burial spaces for the client and any member of the client's immediate family, as described in subsection (16) are not counted. Burial spaces include:

(a) Conventional grave sites;

(b) Crypts;

(c) Mausoleums; or

(d) Urns and other repositories customarily used for the remains of deceased persons.

(15) A burial space purchase agreement is also defined as a burial space. The value of the purchase agreement is excluded, as well as any interest accrued on the purchase agreement, which is left to accumulate as part of the value of the burial space purchase agreement.

(16) Immediate family, for purposes of subsection (14) of this section includes the client's:

(a) Spouse;

(b) Minor and adult children, including adopted and stepchildren;

(c) Siblings;

(d) Parents and adoptive parents;

(e) Spouses of any of the above.
None of the family members listed above need to be dependent upon

or living with the client, to be considered immediate family members.

(17) The following types of burial funds are excluded as resources:

(a) Up to fifteen hundred dollars each for a client or a client's spouse when funds are specifically set aside solely for burial expenses;

(b) A revocable burial contract, burial trust, cash, account, or other financial instrument with a definite cash value; and

(c) Any interest earned and appreciation in the value of excluded burial funds when left to accumulate and become part of the burial fund.

(18) Funds which a client has specifically set aside solely for burial expenses, as described in subsection (17) of this section are funds which:

(a) Are kept separate from all other resources except nonexcluded funds the client intends to use solely for burial related items or services and identified as a burial fund; and

(b) May be designated as burial funds back to the first day of the month in which the person intended the funds to be set aside for burial.

(19) The limitation described under subsection (17)(a) of this section is reduced by:

(a) The face value of insurance polices owned by the client or spouse if the policies have been excluded as provided in subsection (11) of this section; and

(b) Amounts in an irrevocable burial trust.

(20) A client's burial funds lose excluded status when:

(a) They are mixed with other resources; or

(b) The burial funds, interest, or appreciated values are used for other purposes. These funds are then considered available income:

(i) On the first of the month of use; if

(ii) When added to other nonexcluded resources, the amount exceeds the resource limit as described in WAC 388-478-0080.

(21) All resources specifically excluded by federal statute are not counted.

(22) Retroactive SSI payments, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, or Social Security Disability Insurance (OASDI) payments are excluded for six months following the month of receipt. This exclusion applies to:

(a) Payments received by the client, spouse, or any other person the client is financially responsible for;

(b) SSI payments made to the client for benefits due for a month before the month of payment;

(c) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(d) Payments held as cash, in a checking account, or in a saving account. This exclusion does not apply once the payments have been converted to any other type of resource.

(23) Cash payments an SSI recipient receives from a medical or social service agency to pay for medical or social services are excluded for one calendar month following the month of receipt.

(24) Payments from the Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV) are excluded. Interest earned on these payments is counted as unearned income as specified under chapter 388-450 WAC.

(25) Payments to survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act are excluded. Interest earned on these payments is counted as unearned income as specified under chapter 388-450 WAC.

(26) Earned income tax credit refunds and payments are excluded as resources during the month of receipt and the following month.

(27) Payments from a state administered victim's compensation program are excluded for a period of nine calendar months after the month of receipt.

(28) Payments under section 500 through 506 of the Austrian General Social Insurance Act are not counted as a resource or income when a client's eligibility or post-eligibility (for institutionalized clients) is determined. A post-eligibility determination is the process of determining a client's share of the cost of institutional or waivered services care.

Any interest earned on the payments in this subsection is counted as unearned income as specified under WAC 388-450-0025.

(29) Payments from Susan Walker v. Bayer Corporation, et al., 96-c-5024 (N.D. Ill.) (May 8, 1997) settlement funds are excluded. Any interest earned on these payments is counted as unearned income as specified under WAC 388-450-0025.

(30) Cash received from the sale of an excluded resource is not counted when it is:

(a) Used to replace an excluded resource; or

(b) Invested in an excluded resource within the same month, unless specified differently under this section.